

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ewing et al.

FILED VIA EFS ON August 3, 2006

Application No. 10/806,130

Filed: March 23, 2004

Confirmation No. 2108

For: REMOTE POWER CONTROL SYSTEM

Examiner: Not yet assigned.

Art Unit: 2143

Attorney Reference No. 7273-70201-01

MAIL STOP PETITION
COMMISSIONER FOR PATENTS

SUPPLEMENT TO PETITION TO CORRECT PRIORITY FILED JULY 1, 2005

As requested by Ms. Sherry Brinkley on July 20, 2006, Applicants hereby submit this Supplement to the Petition to Correct Priority under 37 CFR 1.78(a)(3) filed on July 1, 2005, to clarify that the delay was unintentional and to submit the surcharge set forth in 37 CFR 1.17(t).

MPEP § 2.11.III.A states: If the Office does not recognize a benefit claim under 35 U.S.C. 120 because it does not contain the required reference and the time period set forth in 37 CFR 1.78(a)(2)(ii) for submitting the required reference has expired, applicant must submit a petition under 37 CFR 1.78(a)(3) and the surcharge set forth in 37 CFR 1.17(t) in order for the Office to accept the unintentionally delayed claim under 35 U.S.C. 120 since the application will not have been scheduled for publication on the basis of the prior application's filing date.

With entry of this Supplement, Applicants respectfully submit that such a petition under 37 CFR 1.78(a)(3) and surcharge set forth in 37 CFR 1.17(t) have been submitted.

37 CFR 1.78(a)(3) states: If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed.

The present application, as originally filed, had a typographical error in the priority claim. Specifically, one of the prior applications was listed as having application number 09/375,461,

instead of the correct application number 09/375,471. An amendment was filed on July 1, 2005, to correct the typographical error in the specification. The Petition to Correct Priority was originally filed on the same day. The typographical error and the entire delay in submitting the corrected application number 09/375,471 was unintentional.

The Office is hereby authorized to charge the required surcharge set forth in 37 CFR 1.17(t), as well as any additional fees which may be required in connection with the filing of this Supplement, to Account No. 02-4550.

Applicants appreciate the courtesies extended by the Office with respect to this Supplement. As a Notice of Allowance has already been mailed for this application, and given that a Petition to Make Special has already been granted, Applicants respectfully request prompt and favorable action with respect to the Petition to Correct Priority.

Respectfully submitted,

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